

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To declare the existence of an emergency with respect to the need to amend the District of Columbia Mental Health Information Act of 1978 to authorize mental health professionals to disclose mental health information when necessary to request an extreme risk protection order and to require the disclosure of mental health information to the Office of Attorney General in response to a court order; to amend the Firearms Control Regulations Act of 1975 to authorize the Mayor to issue rules, subject to Council review, to implement provisions of the Firearms Control Regulations Act of 1975; to amend the Act to Regulate Public Conduct on Public Passenger Vehicles to establish civil fines for violations of the act, to designate violations of the act a pedestrian offense, to authorize officers with authority to make arrests for violations of the act within the jurisdiction of the Washington Metropolitan Area Transit Authority, to authorize the Office of the Attorney General to prosecute violations of the act, and to revise the District of Columbia Municipal Regulations to include a final schedule for violations of the act; to amend the Firearms Safety Omnibus Congressional Review Emergency Amendment Act of 2019 to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for relief from disqualifications from firearm registration, to clarify that the Office of Attorney General may intervene and represent the interests of the District of Columbia with respect to petitions for extreme risk protection orders or provide individual legal representation, upon request, to a petitioner, to broaden the court's ability to place records related to extreme risk protection orders under seal, to establish procedures for computing periods of time relating to an extreme risk protection order, to provide for the use of calendar days instead of business days for timelines related to extreme risk protection orders, to require that the court consider the unlawful or reckless use, display, or brandishing of any weapon by the respondent in determining whether to issue an extreme risk protection order, to require that the initial hearing for a petition for a final extreme risk protection order be held within 14 days after the petition was filed, to require the Superior Court for the District of Columbia, for good cause shown, to issue such orders as may be necessary to obtain mental health records and other relevant information for the purposes of petitions for an extreme risk protection order, to modify the duration of ex parte extreme risk protection orders, to establish procedures for the issuance and execution of search warrants accompanying extreme risk protection orders, to add the Office of Attorney

47 General and the Superior Court for the District of Columbia to the list of entities that shall
48 receive from the Metropolitan Police Department information related to extreme risk
49 protection orders, to require the Mayor or the Mayor’s designee to submit information
50 about extreme risk protection orders to the National Instant Criminal Background Check
51 System for the purposes of firearm purchaser background checks; and to amend the
52 Firearms Safety Omnibus Amendment Act of 2018 to require the Superior Court for the
53 District of Columbia, for good cause shown, to issue such orders as may be necessary to
54 obtain mental health records and other relevant information for the purposes of petitions
55 for relief from disqualifications from firearm registration, to clarify that the Office of
56 Attorney General may intervene and represent the interests of the District of Columbia with
57 respect to petitions for extreme risk protection orders or provide individual legal
58 representation, upon request, to a petitioner, to broaden the court’s ability to place records
59 related to extreme risk protection orders under seal, to establish procedures for computing
60 periods of time relating to an extreme risk protection order, to provide for the use of
61 calendar days instead of business days for timelines related to extreme risk protection
62 orders, to require that the court consider the unlawful or reckless use, display, or
63 brandishing of any weapon by the respondent in determining whether to issue an extreme
64 risk protection order, to require that the initial hearing for a petition for a final extreme risk
65 protection order be held within 14 days after the petition was filed, to require the Superior
66 Court for the District of Columbia, for good cause shown, to issue such orders as may be
67 necessary to obtain mental health records and other relevant information for the purposes
68 of petitions for an extreme risk protection order, to modify the duration of ex parte extreme
69 risk protection orders, to establish procedures for the issuance and execution of search
70 warrants accompanying extreme risk protection orders, to add the Office of Attorney
71 General and the Superior Court for the District of Columbia to the list of entities that shall
72 receive from the Metropolitan Police Department information related to extreme risk
73 protection orders, to require the Mayor or the Mayor’s designee to submit information
74 about extreme risk protection orders to the National Instant Criminal Background Check
75 System for the purposes of firearm purchaser background checks.

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77 **RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,** That this
78 resolution may be cited as the “Firearms Safety Omnibus Clarification Emergency Declaration
79 Resolution of 2019”.

80 Sec. 2. (a) On December 18, 2018, the Council passed the Firearms Safety Omnibus
81 Emergency Amendment Act of 2018, enacted on January 30, 2019 (D.C. Act 22-629; 66 DCR
82 1729) (“emergency measure”), which is set to expire on April 30, 2019.

83 (b) On December 18, 2018, the Council also passed the Firearms Safety Omnibus
84 Amendment Act of 2018, enacted on January 30, 2019 (D.C. Act 22-620; 66 DCR 1672)

85 (“permanent measure”), which will make permanent the provisions of the emergency measure.
86 The projected law date of the permanent measure is May 17, 2019.

87 (c) On April 2, 2019, in order to prevent a gap in the law between the expiration of the
88 emergency measure and the effective date of the permanent measure, the Council passed the
89 Firearms Safety Omnibus Congressional Review Emergency Amendment Act of 2019, enacted on
90 April 15, 2019 (D.C. Act 23-41; 66 DCR ___) (“congressional review emergency measure”).

91 (d) Since the passage of the previous measures, the Metropolitan Police Department, the
92 Office of Attorney General, and the Superior Court for the District of Columbia have provided
93 additional guidance for improving processes related to petitions for relief from firearms
94 disqualifications and for extreme risk protection orders.

95 (e) It is now necessary to move this emergency legislation in order to promptly incorporate
96 feedback from those entities into the permanent measure, as well as the congressional review
97 emergency measure.

98 Sec. 3. The Council of the District of Columbia determines that the circumstances
99 enumerated in section 2 constitute emergency circumstances making it necessary that the Firearms
100 Safety Omnibus Clarification Emergency Amendment Act of 2019 be adopted after a single
101 reading.

102 Sec. 4. This resolution shall take effect immediately.